



Policy 01:139 – Trespassing

Preface

In general, members of the public, employees, and students who enter or remain in or upon parts of the campus of the University of Montevallo that are open to the public enjoy a privilege to do so unless that privilege is revoked or restricted by the University. This policy delineates the circumstances, conditions, and criteria under which permission to enter or remain on University property may be withdrawn or limited and establishes principles and procedures that are designed to facilitate its fair and consistent administration.

Access to University Property

Except as hereinafter prohibited or restricted, members of the public, students, employees, and others having business with the University or members of the University community may enter and remain on property owned or controlled by the University. Access to University property may be prohibited or restricted by the University:

When a person's presence or conduct while on University property violates an identifiable federal, state, or local statute or ordinance, a court order, or a specific University policy, regulation, or directive;

When a person's actions while on University property, his or her history of unlawful, dangerous, disruptive, or threatening behavior, or other specific circumstances (e.g., credible reports that the person plans to commit a crime while on University property) create a substantial risk of injury to members of the University community, damage to University property, or disruption to the University's academic functions or support operations;

When a person's presence violates a posted restriction against entry into designated buildings, facilities, sites, or designated parts of the University campus or University property, or when the person has entered a University building, facility, site, or part thereof by breaching security devices and measures that are designed to restrict access to the building, facility, or site.

The President is authorized to designate University owned or controlled buildings, facilities, premises, sites, or parts thereof as not open to the public or to members of the University community or to otherwise restrict access to such places by administrative directive. The President may also post such signs, placards, or notices as he or she deems reasonably necessary or appropriate to warn the public and members of the University community of the existence, nature, and extent of any prohibition or restriction regarding access to such places.

Enforcement

This policy may be enforced by University police officers, the President and his or her designees.

When personal communication of an order not to enter or not to remain on University property (a “no trespass order”) is required by law, the officials identified above are authorized to issue such orders. The order may be oral or written as appropriate to the circumstances, but in either case, a written report of its issuance should be promptly made to and kept on file by the University Police Department in a registry of such reports. The report should include such relevant factual information as is reasonably available, including the identity of the person involved, the location of the incident, and any special terms, conditions, or provisions that accompany the order. Unless otherwise specified by the official issuing the order, a no trespass order expires three (3) years from the date it is issued. The President may suspend or modify the duration or other terms of a no trespass order for good cause shown by its recipient.

Members of the University community, including students and employees, may be subject to arrest and criminal prosecution in addition to administrative sanctions that may be imposed by the University. Students who are expelled, suspended, or involuntarily withdrawn for disciplinary violations or other reasons, the nature of which poses a threat to the safety and security of members of the University community or to University property, may be subject to a no trespass order to be issued on a case-by-case basis.

No Rights Created or Remedies Impaired

This policy is adopted for the purpose of providing guidance, clarification, and consistency with respect to the University’s response to unauthorized access to University property. It does not confer or create any right, remedy, or defense in favor of any person who may be subject to its provisions, nor does it limit the University’s right to invoke any recourse or remedy that is available to it under law for the purpose of protecting its property or maintaining a safe and secure academic and work environment.

Approved: 11/2013

Last Revised 11/2013